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In re Application of
ROGMANN et al.
Application No. 10/518,672
PCT No.: PCT/EP03/06497
Int. Filing Date: 20 June 2003
Priority Date: 29 June 2002
Attorney Docket No.: 1997USWO
For: FLOOR CLEANING AND CARE
COMPOSITIONS

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicants' "Communication Requesting Withdrawal of Notification of Abandonment" filed 24 May 2006 which is being treated as a Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment.

BACKGROUND

On 20 June 2003, applicants filed the above identified international application which claimed a priority date of 29 June 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2004.

On 16 December 2004, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: the basic national fee; a translation of the international application; an application data sheet; and a preliminary amendment.

On 11 January 2005, applicants filed an executed declaration and power of attorney.

On 28 June 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 02 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 28 June 2005 within the time period set therein.

On 24 May 2006, applicants filed "Communication Requesting Withdrawal of Notification of Abandonment."

DISCUSSION

Applicant states in their present petition that an oath/declaration was received at the United States Patent and Trademark Office on 11 January 2005. A review of the application file reveals that the declaration originally filed 11 January 2005 is located therein, therefore, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) and the Notification of Abandonment (PCT/EO/909) were mailed in error.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**.

In view of the receipt of the declaration and power of attorney filed 11 January 2005, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) and the Notification of Abandonment (PCT/EO/909) were mailed in error and are hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

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